

July 23, 2002

The Honorable Joseph Lieberman
Chairman
Government Affairs Committee
United States Senate
Washington, D.C. 20510

The Honorable Fred Thompson
Ranking Member
Government Affairs Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Lieberman and Senator Thompson:

As the Committee on Government Affairs considers legislation related to establishing the Department of Homeland Security and for other purposes, we strongly encourage you to provide for the active participation of Indian Tribal governments and law enforcement agencies in our national strategy to combat terrorism and protect our citizens and homeland. Simply put, if Indian Tribes are not part of the fabric of national security, it would leave a gaping hole in our national security plan.

From Valley Forge to the war in Afghanistan, Native Americans have heeded the call to defend our country and way of life in numbers greater than any other group in the history of our great nation. We believe that here at home Native people stand ready yet again to answer the call of duty and help protect our homeland and our people.

Americans have been captivated this summer by the true story of the Navajo Code Talkers through the release of the motion picture *Windtalkers*. Just as these brave Navajo men provided a unique — some say decisive — contribution to the American effort to defeat the Japanese Empire in the Pacific Theater in World War II, we believe that Indian Tribal involvement can yield similar results in homeland security and war on terrorism.

As the attached map shows, there are some twenty-five Federally-recognized Indian Tribes whose lands abut or are adjacent to our international borders and these lands include potentially vulnerable infrastructure such as dams, water impoundments and reservoirs, electrical generation plants, waste systems, and other assets that, if attacked or sabotaged, would threaten the health, safety and lives of Indian and non-Indian Americans alike.

In order to accomplish these objectives, we believe that Indian tribes ought to be made a full partner in the development of tactical and strategic homeland security plans with particular emphasis on border security, the protection of critical infrastructure on Indian lands, integrated law enforcement, and emergency response and medical capacity planning and implementation.

With regard to our border safety, appearing at the January 17, 2002, "U.S. Border Patrol - Native American Border Security Conference" Attorney General Ashcroft noted that "greater cooperation with Native American Tribal leaders and law enforcement is an essential component of any comprehensive strategy to protect our borders".

The substitute amendment to the *National Homeland Security and Combating Terrorism Act of 2002* (S.2452), includes Indian Tribes only by reference to the definition of "local government" contained in section 102(6) of the *Robert T. Stafford Disaster Relief And Emergency Assistance Act of 1974*, as amended, Pub. L. 93-288.

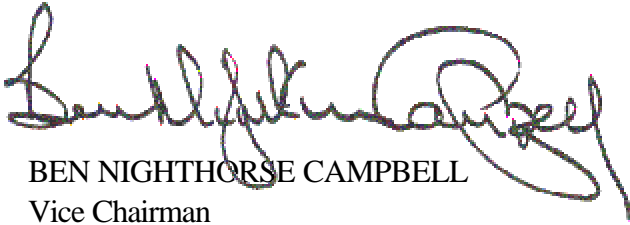
Because local governments are political subdivisions of State governments, while Indian Tribal governments derive their status under the U.S. Constitution and Federal law from their pre-existing sovereignty, we believe it is more appropriate to insert a standard definition of Indian tribe in S. 2452 and to make conforming amendments to the bill as noted in the enclosed annotated copy of S. 2452.

Because the new department's mission is multi-faceted and complex — promoting homeland security, preventing domestic terrorist attacks, reducing the vulnerability of Americans and our infrastructure, and mitigating the effects of terrorist acts should they take place — we believe it should be aided by every resource at our collective disposal, including those of Indian Tribes and law enforcement agencies.

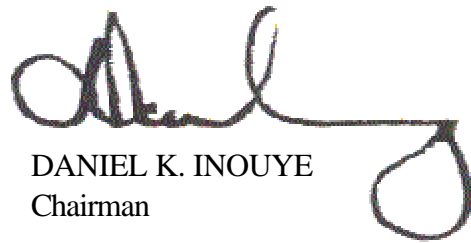
We trust that you will agree that by including Indian Tribes in our focus on homeland security, Native communities will stand shoulder to shoulder with the rest of America in defending American lives and homelands against the threats now before us.

Should you have questions, your staff may contact Patricia Zell, Majority Staff Director/Chief Counsel of the Indian Affairs Committee or Paul Moorehead, Minority Staff Director/Chief Counsel of the Indian Affairs Committee.

Sincerely,



BEN NIGHTHORSE CAMPBELL
Vice Chairman



DANIEL K. INOUE
Chairman

Attachments (2)